

REMARKS

This is a full and timely response to the final Office Action mailed June 8, 2004. By this response, Applicant has cancelled claims 18-20, 47, 55-57 and 67-68 without prejudice or disclaimer, has amended claims 1, 2, 10, 32 and 35, and has added new claims 69-73. Reconsideration in light of the above amendments and following remarks are courteously requested. Claims 1-7, 10-17, 21-35, 39-46, 48-54, 58-66 and 69-73 (3 independent and 55 dependent) remain pending in the application, with claims 1, 35 and 69 being independent claims. No new matter has been added, and no fee or extension of time is believed to be required by this Response. Should this Application require any fee or extension of time, however, please consider this as a petition for such extension and as authorization to debit Deposit Account No. 50-2091 for any fees as may be required to prevent abandonment of this application.

The Final Office Action rejects prior claim 67 under 35 U.S.C. § 112. Without consenting to the rejection, Applicant has cancelled the subject claim. The rejection is therefore believed to be moot.

The Office Action rejected all of the prior-pending claims under Sections 102(b) and 103, citing European Patent Specification EP 0890907B1 ("Lundberg") alone and in combination with WIPO Publication No. WO 00/14987 ("Bastian") and/or U.S. Patent No. 6,205,471 ("Gilchrist"). Applicant respectfully traverses each of the rejections in that the cited references fail to disclose each and every element of the amended claims. In particular, no reference discloses at least the elements of selecting between a plurality of wireless data connections while the vehicle is moving, nor does any reference disclose selecting the wireless data connection in a manner that minimizes the overall cost of operating the e-mail system, as effectively recited in each of the independent claims. Reconsideration is therefore respectfully requested.

The primary reference, Lundberg, relates to a network proxy system that allows web pages and email to be uploaded or downloaded to a proxy server onboard an aircraft via a hardwired connection while the aircraft is parked at the gate (see, e.g., Lundberg paragraph 10). As noted in the Final Office Action, the "modes" offered by Lundberg are limited to a hardwired connection available while the aircraft is parked or an expensive satellite link available while the aircraft is in motion.

In contrast to the Lundberg disclosure, the present claims clearly recited that the communications links/modes available to the system are selected from a plurality of wireless

links that are available while the vehicle is in motion. These links may include satellite links, radio-based links and/or the like. Applicant's claims further recite an email system/methods for transferring messages in a manner that reduces the overall cost of operating the system. Stated another way, it is the email system that selects the communications mode to reduce cost, not necessarily the user. Such functionality is enabled in the originally-filed Specification at least at page 9, line 13 through page 10, line 21 and at page 13, lines 19-22.

Neither of these aspects are found in the Lundberg reference, or in any other prior art reference of record. In particular, neither Bastian nor Gilchrist describe such functionality. Bastian, for example, is limited to a single satellite mode of data transfer as described in Applicant's prior response filed on March 18, 2004. Accordingly, neither any single reference nor any combination of references can expressly or impliedly disclose each and every element of Applicant's claims. Reconsideration of the rejections is therefore requested.

Conclusion

Based on the above, independent claims 1, 35 and 69 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above, and because each recites features which are patentable in their own right. Applicant therefore submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any questions, comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Respectfully submitted on behalf of assignee

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